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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,

Plaintiff,

v.

U.S. GOVERNMENT, *et al.*,

Defendants.

3:17-CV-0257-RCJ-VPC

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This report and recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On April 25, 2017, plaintiff submitted a civil rights complaint pursuant to 28 U.S.C. § 1983 (ECF No. 1). The court denied plaintiff's application to proceed *in forma pauperis* because plaintiff has on three or more occasions brought an action in this court that is frivolous, malicious, or fails to state a claim upon which relief may be granted (ECF No. 13). The court found plaintiff's claims failed to plausibly allege that he was in "imminent danger of serious physical injury." (*Id.*) Therefore, plaintiff was ordered to pay the \$400 filing fee within thirty days from the date of the order or July 13, 2017. (*Id.*) Plaintiff was cautioned that his failure to timely pay the filing fee would result in this case being dismissed. (*Id.*) To date, plaintiff has failed to pay the filing fee as ordered.

Based upon the foregoing, the undersigned magistrate judge recommends that this action be dismissed without prejudice.

The parties should be aware of the following:

1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this Report and Recommendation within fourteen

1 days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and
2 Recommendation" and should be accompanied by points and authorities for consideration by the
3 District Court.

4 2. This Report and Recommendation is not an appealable order and any notice of
5 appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's
6 judgment.

7 RECOMMENDATION

8 For the reason stated above, the undersigned Magistrate Judge recommends that the District
9 Court enter an order **DISMISSING** this action without prejudice.

10 DATED: September 27, 2017

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12 UNITED STATES MAGISTRATE JUDGE
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